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forming to the rules we call 'laws,' and supplies a broadly distinctive characteristic of such rules; though the penalty (1) may consist only in the enforced payment of damages to a private individual injured by the violation of the rule, or (2) may be merely negative, and consist in the withdrawal from the law-breaker of some governmental protection of his interests to which he would otherwise have been entitled.'"

The author concedes the untenability of Austin's interpretation of the source and nature of the command and says that the conception of law as command is inadequate for the purposes of legal science. He goes further and says that law affirms rules of conduct and urges the inclusion of three additional elements as follows: "The sum of the rules which go to make law is a unity; it is a unity which is also a growth; it is a growth which is also something distinguishable from a mere natural product, being in fact an expression of human intelligence and design—a growth directed by conscious foresight."

On the whole Dr. Brown's work is a valuable contribution to the literature on the subject of jurisprudence, but it can hardly restore the power and prestige of Austin.

REGULATION OF COMMERCE UNDER THE FEDERAL CONSTITUTION. By THOMAS H. CALVERT. Northport: Edward Thompson Co. 1907. pp. viii, 380.

This is an orderly, well-written, and well-arranged statement of the judicial decisions on the subject considered. It is the work of a digester, rather than of an original thinker, or of an historical student. As compared with the recent work of E. Parmalee Prentice on a similar topic, it exhibits a much less careful study of the conditions out of which the governing provisions of the Constitution of the United States arose, and in the light of which they may be the better understood, and a much more careful study of the manner in which these provisions have been in fact construed by the courts.

Mr. Calvert, however, can reason clearly, and when he finds a point not covered by some judicial precedent, does not hesitate to examine it on principle. Thus, while admitting that Congress can regulate the manufacture of pure foods, so far as necessary to prevent fraud on buyers of goods upon the inter-state and foreign market, he thinks that there could be no general exclusion from inter-state commerce of commodities not manufactured under federal supervision, or produced by child labor (pp. 115, 117).

He does not anticipate any embarrassment, in the fixing of railroad rates by the Inter-State Commerce Commission, from the constitutional prohibition against preferences to the ports of one State over those of another. This he regards as designed to protect, not the interests of any one port in comparison with those of another, but those of all the ports of one State as against all the ports of another, and as forbidding only such a direct preference as no Commission would ever be likely to adopt (pp. 176-179).

The author does not content himself with stating the ultimate conclusions of the courts. He gives the grounds which they assign for them, and thus helps towards an intelligent acquaintance with the guiding rules of

construction which the Supreme Court of the United States has from time to time laid down with respect to the powers of Congress over commerce, so far as they have led to particular litigation.

The book is handsomely printed and well indexed.

INTERSTATE COMMERCE ACTS, INDEXED AND DIGESTED. By CHARLES S. HAMLIN. Boston: Little, Brown, & Company. 1907. pp. 480.

As its title implies, this book is divided into two parts. The first consists of the texts of the various federal statutes having to do with the regulation of interstate commerce. The second is made up of lists of words, phrases, topics and subjects to be found in the statutes, with references to the exact places where found, and with indications of the particular connection in which each is used. The statutes are grouped as follows: 1. The Interstate Commerce Act of 1887 with amendments of 1889, 1891, 1895 and 1906; the Act of 1893 regulating testimony; the Act of 1906 defining the right of immunity of witnesses; the Act of 1903, with amendment of 1906, regulating commerce with foreign nations and among the States; and the Act of 1903, to expedite the hearing of suits. 2. The supplementary act of 1888, regulating governmental rights in western railroads and telegraphs. 3. The Safety Appliance Act of 1893, with amendment of 1896; the Act of 1893, with amendment of 1903, for the safety of employees and travelers; and the Act of 1902, providing for safety appliance inspectors. 4. The Joint Resolution of 1906, for the investigation of block signals. 5. The Act of 1902, authorizing automatic signals in Oklahoma and Indian Territory. 6. The Act of 1901, providing for reports of accidents. 7. The Joint Resolutions of 1906, providing for the investigation of railroad monopolies in coal and oil. 8. The Act of 1898, regulating relation to employees. 9. The Employer's Liability Act of 1906. 10. The Anti Trust Act of 1890. 11. Sections 73 to 77 regulating the taxation of Trusts under the Act of 1894; and the Act of 1897, sustaining the same. 12. The amendment of 1906 to the Interstate Commerce Act of 1887. Except in the last instance the Index-Digests are divided to correspond to these groups. In each digest the subjects are arranged alphabetically, and indexed with reference to section, page and line, each line of the text being numbered. So carefully has this work been done that very few words, however humble, have been omitted from the classification.

The book contains no original comment upon or annotation of the statutes beyond these digests, and makes no attempt at citation of cases. It purports to be nothing more than a specialized statute book with an index sufficiently minute and exhaustive to enable one to find particular passages without loss of time. For such a purpose it is well adapted and should prove of real service to any lawyer who is under frequent necessity of finding needles in the haystack of interstate commerce regulations. To the general practitioner who can more easily satisfy himself with the larger compilations, the value of the book would be greatly enhanced by the addition of references to cases which have applied or construed the various words and phrases contained in the digests.